## IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF TENNESSEE NASHVILLE DIVISION

ALBERT GASSAWAY	)
	)
VS.	) CASE NO. 3:12-0498
	) JUDGE CAMPBELL/KNOWLES
	)
U. S. DISTRICT COURT	)

## REPORT AND RECOMMENDATION

On November 5, 2012, the undersigned entered an Order referring to Fed. R. Civ. P. 4(m) and noting that there was no indication in the file that Defendant had been served with a Summons and Complaint. Docket No. 5. That Order stated in part:

Within twenty (20) days of the entry of this Order, therefore, Plaintiff shall file a written statement showing good cause for his failure to serve the Defendant within 120 days after the filing of the Complaint. If Plaintiff fails to comply with the provisions of the Order, the undersigned will recommend that this action be dismissed without prejudice.

*Id.*, p. 1-2.

In that Order, the Court noted that a blank Summons form had been sent to the pro se Plaintiff by the Clerk on May 18, 2012. *Id.*, p. 1 n. 1.

On November 9, 2012, Plaintiff submitted an unsigned and untitled document, the body of which states in relevant part as follows:

The local #517 that was mentioned previously is not my local. My local #572 is the one I worked for and should receive my pension from.

[Address omitted]

I am praying that this never happens to anyone else again. Thanks for your time and consideration in this matter.

## Docket No. 8.

With the foregoing document, Plaintiff also submitted a typed document headed "Summons IN a Civil Action." Docket No. 8-1. That Summons lists Defendant as "Attorney General, U.S. District Court." *Id.* The document is unsigned and undated. For whatever reason, Plaintiff also submitted a copy of his birth certificate. Docket No. 8-2.

In the referenced filings, Plaintiff has not shown good cause for his failure to serve

Defendant within 120 days after the filing of the Complaint.

For the foregoing reasons, the undersigned recommends that this action be DISMISSED WITHOUT PREJUDICE.

Under Rule 72(b) of the Federal Rules of Civil Procedure, any party has fourteen (14) days after service of this Report and Recommendation in which to file any written objections to this Recommendation with the District Court. Any party opposing said objections shall have fourteen (14) days after service of any objections filed to this Report in which to file any response to said objections. Failure to file specific objections within fourteen (14) days of service of this Report and Recommendation can constitute a waiver of further appeal of this Recommendation. *See Thomas v. Arn,* 474 U.S. 140, 106 S.Ct. 466, 88 L. Ed. 2d 435 (1985), *reh'g denied,* 474 U.S. 1111 (1986); 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72.

& Clfton Knowles

E. Clifton Knowles United States Magistrate Judge